

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RACHEL FOSTER, <u>ET AL.</u>,	:	
Plaintiffs,	:	CIVIL ACTION
v.	:	No. 18-4853
MOSHE ATTIAS, <u>ET AL.</u>,	:	
Defendants.	:	
	:	
MOSHE ATTIAS and MARION COURT, LLC,	:	
Plaintiffs,	:	CIVIL ACTION
v.	:	
532 BROOKLYN, LLC and ALAIN KODSI,	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 12th day of May, 2023, upon consideration of **(1)** the Foster Parties' Motion for Summary Judgment (Civ. A. No. 18-4853, Doc. No. 183; Civ. A. No. 19-866, Doc. No. 122) and the Attias Parties' Response (Civ. A. No. 18-4853, Doc. No. 186; Civ. A. No. 19-866, Doc. No. 123), and **(2)** the Attias Parties' Motion for Partial Summary Judgment (Civ. A. No. 18-4853, Doc. No. 182) and the Foster Parties' Response (Civ. A. No. 18-4853, Doc. No. 185), it is hereby **ORDERED** that:

1. The Foster Parties' Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Summary judgment is **GRANTED** in favor of the Foster Parties on Count I of the Attias Amended Complaint.¹

¹ The "Attias Amended Complaint" refers to the operative complaint in Civil Action No. 19-866.

- b. Summary judgment is **GRANTED** in favor of the Foster Parties on Count III of the Attias Amended Complaint and Count I of the Attias Amended Counterclaim.²
 - c. Summary judgment is **GRANTED** in favor of the Foster Parties on Count IV of the Attias Amended Complaint.
 - d. Summary judgment is **GRANTED** in favor of the Foster Parties on Count V of the Attias Amended Complaint
 - e. Summary judgment is **DENIED** on Counts VII and VIII of the Attias Amended Complaint.
 - f. Summary judgment is **DENIED** to the extent the Foster Parties allege a failure to make Rule 26(a)(1)(A) disclosures.
 - g. Count VI of the Attias Amended Complaint is deemed voluntarily withdrawn based on the Attias Parties' representation.
2. The Attias Parties' Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Summary Judgment is **DENIED** on Counts I, VII, and VIII of the Attias Amended Complaint.
 - b. Summary Judgment is **GRANTED** on Counts I and II of the Foster Amended Complaint.³

BY THE COURT:

/s/ *Mitchell S. Goldberg*
MITCHELL S. GOLDBERG, J.

² The "Attias Amended Counterclaim" refers to the counterclaim complaint in Civil Action No. 18-4853.

³ The "Foster Amended Complaint" refers to the operative complaint in Civil Action No. 19-1953.